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8 DUNN and SHERIFF's DEPARTMENT
OF SAN JOAQUIN COUNTY

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

13 ROBERT T. BROWN, individually and on
behalf of Class of Persons similarly situated,

14 Plaintiff,

15

|| VS.

16 COUNTY OF SAN JOAQUIN, SHERIFF
17 BAXTER DUNN, SHERIFF'S DEPARTMENT
18 OF SAN JOAQUIN COUNTY and DOES I
through X inclusive,

10 || Defendants.

CASE NO. CIV.S-04-2008 FCD PAN

**STIPULATED ORDER SETTING
HEARING ON DISPOSITIVE
MOTION**

“AS MODIFIED”

22 Plaintiff ROGER T. BROWN and Defendants COUNTY OF SAN JOAQUIN, SHERIFF
23 BAXTER DUNN, DEPUTY RICHARD DUNSING, DEPUTY SEMILLO, DEPUTY
24 MENDEZ, and LT. MENDOZA, by and through their respective counsel, respectfully submit
25 this STIPULATED ORDER SETTING HEARING ON DISPOSITIVE MOTION for
26 consideration by the Court. The Parties believe that good cause exists for the requested
27 extension for the dispositive motion hearing deadline, presently set for March 24, 2006, as set
28 forth below due primarily to Plaintiff Counsel Bruce W. Nickerson's absence from the country

1 during the end of March for a previously scheduled trip to Turkey.

2 STIPULATION

3 The Parties hereby stipulate as follows:

4 1. On November 17, 2005, the Court entered its Stipulated Order Extending Pretrial
5 Scheduling Deadlines - "As Modified" that established the following deadlines in this litigation:

6 January 31, 2006 Completion of Discovery

7 March 24, 2006 Deadline for Hearings on Dispositive Motions

8 June 2, 2006 Pre-trial Conference

9 August 22, 2006 Trial

10 2. In the stipulation, the parties inadvertently set the deadline for dispositive motions
11 on March 24, 2006 at a time when Counsel for Plaintiff Bruce W. Nickerson was scheduled to be
12 out of the country in Turkey. This previously scheduled trip had already required a stipulation of
13 the parties, approved by the Court to move the original date set for the pre-trial conference in this
14 action.

15 3. The parties have completed discovery. The Defendants made witnesses available
16 for deposition on February 3, 2006 pursuant to a stipulation with Plaintiff's Counsel.

17 4. The parties now agree to, and request the Court's permission for the setting of the
18 hearing on a motion for summary judgment and/or adjudication by the Defendants on April 17,
19 2006, after Plaintiff's Counsel returns from Turkey. The parties will be meeting and conferring
20 prior to the filing of Defendants motion for summary judgment and/or summary adjudication to
21 eliminate by stipulation all causes of action or parties that are no longer at issue.

22 5. Plaintiff's Counsel is unavailable on June 16, 2006 and if the Court deems it
23 necessary to reset the date or dates for the Pre-trial Conference and for the commencement of
24 trial, the parties request the neither date be reset to June 16, 2006.

25 WHEREFORE, the parties stipulate to and request from the Court an order as follows:

26 1. That the deadline for the hearing on the Defendants' motion for summary
27 judgment and/or adjudication be extended to April 17, 2006 and hearing of said motion be set for
28 that date;

1 2. That the notice of motion and all papers related to the motion be filed and served
2 in compliance with the Federal Rules of Civil Procedure and the Local Rules of the United States
3 District Court for the Eastern District of California; and

4 3. That the Court, if necessary, re-set the Pre-Trial Conference and the Trial date as
5 the Court deems appropriate to any date or dates other than June 16, 2006.

Respectfully submitted,

OFFICE OF THE COUNTY COUNSEL

10 || Dated: February 8, 2006

By: /s/ Daniel C. Cederborg
DANIEL C. CEDERBORG
Deputy County Counsel

Attorneys for Defendants,
COUNTY OF SAN JOAQUIN, SHERIFF
BAXTER DUNN and SHERIFF'S
DEPARTMENT OF SAN JOAQUIN
COUNTY

Dated: February 8, 2006

By: /s/ Bruce W. Nickerson
BRUCE W. NICKERSON
Attorney at Law

Attorney for Plaintiff,
ROBERT T. BROWN

ORDER OF THE COURT

The Parties to this action having stipulated to a hearing date for the Defendants' motion for summary judgment and/or summary adjudication, and good cause appearing,

IT IS HEREBY ORDERED THAT:

1. The deadline for the hearing on the Defendants' motion for summary judgment and/or adjudication be extended to April 21, 2006 and hearing of said motion be set for that date; and,

1 2. The notice of motion and all papers related to the motion be filed and served in
2 compliance with the Federal Rules of Civil Procedure and the Local Rule 78-230 and the new
3 hearing date;

4 3. All other dates as set in the Pre-Trial Scheduling Order shall remain as set.

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7 Date: February 9, 2006

/s/ Frank C. Damrell Jr.

8 Hon. Frank C. Damrell, Jr.

United States District Judge

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